



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JLP:ddj
Docket No: 5478-99
11 January 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 January 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1811 PERS 822 of 9 November 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

1811

PERS-822

9 Nov 99

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: Assistant for BCNR Matters, PERS-00ZCB

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

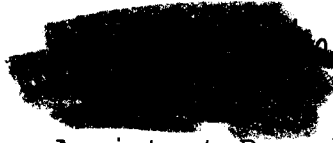
Ref: (a) NPC memo 5420 PERS-00ZCB of 19 Oct 99
(b) DODFMR Vol 7A, Chap 1, Sect 010104, para I and K
(c) 10 USC 2107(g)

Encl: (1) BCNR file with microfiche

1. Reference (a) requests comments and recommendations in subject officer's case. Specifically, Petitioner requests creditable service while enrolled in the ROTC program.

2. Reference (b) was changed based on Public Law 104-201, Section 507, and is only applicable for those members in the U.S. Army Simultaneous Membership Program. The Air Force does not have this program. Additionally reference (c) states, "In computing length of service for any purpose, an officer appointed under this section may not be credited with service either as a cadet or midshipman or concurrent enlisted service, other than concurrent enlisted service performed on or after August 1, 1979, as a member of the Selected Reserve." According to 10 USC 10143 (a) "Within the Ready Reserve of each of the reserve components there is a Selected Reserve." BUPERSINST 1001.39C further explains the Selected Reserve as "Members assigned to Full Time Support positions, who serve on extended Active Duty for Special Work (ADSW) or Active Duty for Training (ADT), or who drill for pay in the selected reserve." Members in the ROTC program do not fall in any of these categories.

3. No action is required, member's pay entry base date remains the same: 28 September 1987. Enclosure (1) is returned.



Assistant Branch Head,
Officer Retirements